IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.M No.16478 of 2006 and
C.W.P NO. 5012 OF 2006

Date of decision : September 28, 2006

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Davinder Kumar & another .....Petitioners

Vs.

HUDA and another .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Amar Vivek, Advocate for the petitioner(s).
Mr. Arun Walia, Advocate for the respondents.

Viney Mittal, J. (Oral)

C.M No.16478 of 2006 in

Prayer made in the application is allowed.
Replication filed by the petitioners is taken on record.

C.W.P NO. 5012 OF 2006

The petitioners have challenged the order dated December 27, 2005 (Annexure P-8), whereby their claim for allotment of plots in the oustees cateogry has been rejected. According to the petitioners their paternal uncle (Chacha) Puran Chand died on March 28, 1995. Later on, on July 28, 1997, their father Lekh Ram also died. Mutation of the inheritence of the aforesaid persons was entered in favour of the petitioners on November 18, 1987. The land belonging to the petitioner had been notified for acquisition vide notification issued under Section 4 of the Land

Acquisition Act, 1894 on March 16, 1999. Subsequently, the land of the petitioners was acquired. On that basis, the petitioner claim that they are covered under the policies of HUDA for allotment of the plots under the oustees category and are even entitled to a 10 marla plot each under the aforesaid policies.

The claim of the petitioners has been contested by the respondents. Various pleas have been raised by the respondents. The petitioners have even filed a replication to the written statement filed by the respondents.

After hearing learned counsel for the parties and taking into consideration the facts and circumstances of the case, we find that it will be more appropriate if the claim of the petitioners, as on facts pleaded by them, is reconsidered by the Estate Officer, HUDA, Panchkula. Consequently, we dispose of the present writ petition and direct the Estate Officer, HUDA, Panchkula to reconsider the claim of the petitioners.

For this purpose, the petitioner would be required to file a detailed and comprehensive representation, by appending all the relevant documents, within a period of 4 weeks from the date a certified copy of this order is received. On receipt of the aforesaid representation, the Estate Officer, HUDA shall consider the claim of the petitioners, by affording an opportunity of hearing to a representative of the petitioners, within a period of 4 months, by passing a detailed and speaking order.

In the meantime, we direct that the plots qua which the petitioners have remained successful in the draw of lots held on March 31, 2006 shall not be allotted to anybody else and shall be kept reserved to satisfy the claim of the petitioners, if found justified.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

September 28, 2006
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(H.S BHALLA)
JUDGE